

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F052164 People v. Maciel

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F052164 People v. Maciel

The judgment is affirmed. Harris, Acting P.J.

We concur: Wiseman, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F052075 People v. Jones

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F052075 People v. Jones

The judgment is reversed and remanded for the court to conduct a postconviction *Marsden* hearing pursuant to *People v. Smith, supra*, 6Cal.4th 684, as discussed, *ante*. If the court grants the *Marsden* motion, a new trial motion is filed, and the new trial motion is granted, appellant shall receive a new trial. If the court denies the *Marsden* motion, or a new trial motion is not filed, or a new trial motion is filed and denied, the court shall reinstate the judgment of conviction and sentence previously imposed. Harris, Acting P.J.

We concur: Wiseman, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048297 People v. Martin

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F048297 People v. Martin

The jury's findings that defendant suffered a prior serious felony conviction within the meaning of the Three Strikes law (Pen. Code, § 667, subd. (b)) and prior serious felony conviction within the meaning of the One Strike law. (§ 667.61, subds. (c)(7) and (d)(1) are reversed and remanded to the trial court for further proceedings. In all other respects, the judgment is affirmed. Vartabedian, Acting P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F053750 Guardianship of the Person and Estate of Samantha Jewel K., a Minor

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F052747 Hatley et al. v. Superior Court, Kings County; Hanford Nursing and Rehab. Hosp. et al.

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue directing the respondent superior court to vacate its March 15, 2007, order compelling arbitration, and to enter an order denying the petition of real parties in interest to compel arbitration. Hill, J.

We concur: Levy, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051681 People v. Murillo

The judgment is affirmed. Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054030 In re Zane D., a Minor

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F051368 **People v. Garcia**

The judgment is affirmed. Kane, J.

We concur: Gomes, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]